

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Low-Effect Habitat Conservation Plan for The Operations and Maintenance of the California Flats Solar Project, Monterey and San Luis Obispo Counties, California.

B. Covered species: San Joaquin kit fox (*Vulpes macrotis mutica*), Federally endangered California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and vernal pool fairy shrimp (*Branchinecta lynchi*), Federally threatened

C. Project size (in stream miles and acres):

The Plan Area totals approximately 8,856 acres in southeastern Monterey and northern San Luis Obispo Counties, which is leased by California Flats from the Hearst Corporation for the operation of the Project. This area includes all facilities and access roads related to the California Flats Solar Project (2,363 acres). Additionally, the Plan Area covers lands conserved and managed in perpetuity and where species may be relocated (6,493 acres). (Dark Hole, Cholame, and Cholame Valley USGS 7.5-minute quadrangles and within Township 23S, Section 15E; Township 24S, Sections 15E and 16E; and Township 25S, Range 16E)

D. Brief project description including minimization and mitigation plans:

Purpose, Need, and Duration

California Flats Solar, LLC (California Flats or Applicant) is seeking an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), for take of the federally endangered San Joaquin kit fox, California red-legged frog, California tiger salamander, and threatened vernal pool fairy shrimp (collectively, Covered Species). The take would be incidental to the operations and maintenance of the California Flats Solar Project, a 280-megawatt alternating current solar photovoltaic (PV) energy facility (Project) in southeastern Monterey and northern San Luis Obispo Counties, California. The total developed footprint of the Project encompasses approximately 2,367 acres. The Project will be comprised of a 2,120-acre solar generating area (which includes solar arrays, electrical equipment, internal roadways, and fencing), a 150-acre utility corridor (overhead transmission lines and associated towers and/or poles), two substations, an operation and maintenance (O&M) facility, and approximately 60 acres of access roads.

Effects from construction of the project were analyzed and take was exempted under separate consultation under section 7 of the Act with the U.S. Army Corps of Engineers.

Species Occupation and Baseline

California red-legged frogs are known to occur within and nearby the Plan Area. Breeding

occurs along Cottonwood Creek and in portions of two unnamed drainages that flow through the Plan Area. California red-legged frogs may utilize aquatic and upland habitats within the Plan Area.

To date, no occurrence of California tiger salamander has been documented within the Plan Area; however, the species has been documented approximately 2 miles southeast of the Plan Area. Several potential breeding ponds were identified within dispersal distance from the Plan Area and suitable upland habitat is present throughout. A multi-year drought hindered adequate sampling of these ponds and we have assumed that they are occupied by the species.

The Plan Area is within suitable home range and dispersal habitat for the San Joaquin kit fox. The species was detected in the Plan Area in 2016. Natal dens were detected on the west side of the Project access road.

Vernal pool fairy shrimp have been detected in at least three wetlands within the Plan Area via genetic analyses of dormant cysts.

Goals and Objectives for the Covered Species

Goal 1: Activities covered by this Plan will not result in a net loss of greater than five percent of the amount of each covered species' habitat within the Plan Area, as determined by a baseline survey at the start of Project operations and maintenance phase, for the duration of the permit period.

Objective 1.1: Any area temporarily impacted during operation and maintenance activities that contains covered species habitat will be restored to pre-impact or better conditions.

Objective 1.2: A qualitative and quantitative evaluation of covered species habitat will occur every five years for the life of the permit, beginning with a baseline evaluation within six months of the start of operations. The analysis will document the amount of high quality, good-quality, and low-quality habitat present in the Plan Area for each of the covered species in this Plan, as well as an explanation of what parameters were used to determine habitat quality. If results of any 5-year evaluation indicate that the amount of high-quality or good-quality habitat, or total amount of habitat, for any covered species has decreased by more than 5 percent of the baseline, recommendations will be made to reverse this change. Recommendations may include habitat restoration. California Flats will implement any or all of the recommendations of the evaluations necessary to meet Goal 1.

Goal 2: California Flats will promote a sense of stewardship of the land and awareness of the sensitive biological resources present in the Plan Area among employees at the California Flats Solar Project.

Objective 2.1: Create a brochure describing covered species in the Plan Area and basic

measures that will help protect the species. Provide the brochure to all personnel and contractors working at the facility.

Objective 2.2: Have a poster or other permanent interpretive display in the operations and maintenance building describing the covered species occurring in the Plan Area.

Adaptive management: If mortality of any covered species or significant impact to covered species habitat occurs, site managers will implement additional measures to promote environmental awareness, such as presentations, newsletters, or other measures, to remind employees of California Flat's environmental commitment and to minimize the potential for additional take.

Project Description, Avoidance and Minimization, Mitigation

The Project activities requested for coverage under this HCP encompass the long-term operation and maintenance of the California Flats Solar Project. The Project will operate 7 days per week, 52 weeks per year. Operational staff will be conducting routine and emergency maintenance on-site during both daylight hours and at night, as necessary, to avoid interruption of operation. Personnel will operate the facility from the operations and maintenance building, and will be on-site to monitor, maintain, and, as necessary, repair or replace portions of the facility and its components and systems.

Operations and maintenance activities include activities that occur on a regular basis to keep the facility operating properly. On-site personnel will operate the facility from the operations and maintenance building, solar generating facilities and electrical components, receiving deliveries and visitors, maintain the operations and maintenance building, panel washing, fencing repairs, culvert repairs/clean-out, PV module replacement, and maintaining the security of the facility. Routine operations, maintenance, monitoring and repair activities will be primarily be conducted during daylight hours; however, occasional night-work may occur. Other anticipated activities include road maintenance, fuel management/fire protection, and emergency response.

The HCP's conservation strategy includes the following measures designed to avoid and minimize the proposed project's impacts on the Covered Species:

- The daytime speed limit will be 20 miles per hour on access roads and internal roadways. The nighttime speed limit will be reduced to 10 miles per hour. Speed limits may be further reduced in specific areas as deemed necessary by a project biologist to minimize take of a Covered Species. Speed limit signs will be posted along facility roadways. Temporary signs will be posted in areas where the speed limit has been temporarily reduced.
- Vehicle traffic shall be restricted to established roads to the maximum extent practical.
- All construction pipes, culverts, or similar structures greater than 1.5 inches in diameter stored or stacked in the Project site for one or more consecutive nights shall be securely capped before storage and shall be thoroughly inspected for wildlife before being

subsequently moved, buried, or otherwise used.

- If encountered, covered wildlife species within the project site shall be allowed to escape unimpeded, removed by a Service-approved biologist and placed in a designated safe area away from covered activities, or left in place when required by regulations, policies, permits, and/or conditions of approval.
- Prior to ground disturbing activities, mowing, or actions requiring off-road travel, all disturbance areas shall be clearly delineated by stakes or flags.
- All excavations more than 24 inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend, and inspected for entrapped wildlife before construction activities begin
- Existing mammal burrows shall be preserved in place unless it will be permanently impacted by maintenance activities.
- All general trash, food-related trash items, microtrash, and other human-generated debris will be stored in animal-proof containers and removed from the site on a regular basis.
- Use of first- and second- generation anti-coagulant rodenticides will not be permitted in the Plan Area unless such use is necessary to address or respond to a significant and imminent threat to livestock and/or human health as determined by a federal or state regulatory agency with jurisdiction over the relevant health or safety issue.
- A Worker Environmental Awareness Program (WEAP) will be implemented to educate employees and contractors on the covered species in the Plan Area, their habitats, and the measures to protect the species.
- To the extent practicable, all operation and maintenance work in or within 250 feet of wetlands identified to potentially support vernal pool fairy shrimp will be performed between May 1 and November 1. Wetlands found to contain populations of list branchiopods will be avoided by maintaining a buffer of 250 feet between the habitat and all grading, unless maintenance activities result in permanent altering of the habitat.
- The perimeter fence will be maintained not to impede San Joaquin kit fox movement around and through the solar arrays.
- Retain a Service-approved Designated Biologist to monitor activities that may impact San Joaquin kit fox, California red-legged frog, or California tiger salamander. The Designated Biologist shall be consulted with prior to any ground disturbing activities or mowing. The Designated Biologist will conduct preactivity surveys, determine buffer zones, and have the authority to stop work.

- The fewest number of personnel and only equipment or vehicles essential to the work to be done will work near an active San Joaquin kit fox den. Work will be completed, and personnel will leave the area, as quickly as possible.
- California Flats will minimize impacts on known San Joaquin kit fox dens by protecting the dens in place. San Joaquin kit fox dens will only be excavated if avoidance of the den would severely impede operations of the solar facility or pose a safety issue. Two artificial escape dens will be constructed for each unavoidable kit fox den that has to be excavated.

The minimal amount of impacts that may occur during operations and maintenance activities will be offset by the compensatory mitigation habitat that will be acquired per the California Environmental Quality Act (CEQA) and California Endangered Species Act.

The mitigation strategy for the Project will include permanent preservation, management, and enhancement of Covered Species habitat. The habitat enhancements would create new habitat or improve the condition of existing habitat in the action area. The Applicant will permanently preserve and manage habitat for the Covered Species. The number of acres preserved will be based on ratios of habitat preserved to habitat lost or disturbed. The Applicant estimates that the Conservation Lands will contain approximately 6,493 acres. Collectively, the Applicant's proposal to create, enhance, preserve, and manage habitat in the action area would contribute to stabilizing and improving the status of the Covered Species in the action area and benefiting the range-wide status of each Covered Species by permanently preserving occupied habitat. Large portions of the proposed Conservation Lands fall within designated critical habitat for the California red-legged frog and lie just north of a unit of designated critical habitat for the California tiger salamander. This habitat preservation and management in the action area will contribute to recovery of the Covered Species.

Topic-specific mitigation and monitoring plans have been developed for the Project and are applicable to the operations and maintenance phase. The following is a summarized list of the mitigation and monitoring plans that have been developed by California Flats relevant to Covered Species including a Worker Environmental Awareness Program, Habitat Restoration and Revegetation Plan, and Habitat Mitigation and Monitoring Plan.

The results of the monitoring and reporting requirements of each environmental plan will be used to adaptively manage the operation and maintenance activities as they relate to avoidance and minimization required by this low effect HCP.

The applicant commits to fund all elements of the proposed conservation strategy, including compliance and effects monitoring. Monitoring results will be provided in reports to the Service.

II. Does the HCP fit the following low-effect criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or

candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures?

Yes. The effects of the proposed project on the Covered Species are minor and negligible. Effects from operations and maintenance of the California Flats Solar Project are expected to be minimal in scale and duration.

Operations and maintenance activities are anticipated to have minor impacts on the biological function of the area and are not expected to affect species persistence or recovery.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?

Yes. We expect effects on other environmental values and resources from the operations and maintenance will be minor or negligible. Effects to water quality and quantity are not anticipated. Effects of noise on the environment are expected to be minor only during maintenance activities. The proposed project is not anticipated to cause socio-economic impacts. Impacts to visual resources and cultural resources are not anticipated.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources that would be considered significant?

Yes. Significant cumulative effects on the Covered Species are not anticipated to occur as a result of this HCP, or combined with the impacts of past, present, or reasonably foreseeable projects. Operations and maintenance of the California Flats Solar Project would only minimally alter the habitat within the already disturbed project area, and most of the surrounding properties in the area is available for use by the Covered Species. We anticipate that project implementation would not result in significant cumulative effects to environmental values or resources.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (form 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The HCP has been developed for the Covered Species in association with operations and maintenance of the California Flats Solar Project.

B. Have adverse effects on such unique geographic characteristics as historic or cultural

resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. The operations and maintenance of the California Flats Solar Project would not have adverse effects to unique characteristics as historic of cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds, or other ecologically significant or critical areas. Construction of the solar generation facility has been conducted and approved under separate environmental review.

C. Have highly controversial environmental effects?

No. The project is consistent with zoning laws, ordinances, regulations, and policies. Construction of the California Flats Solar Project has completed environmental and regulatory review. We do not anticipate any controversial environmental effects from operations and maintenance.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. The project is limited scope to just construction and maintenance of the California Flats Solar Project. We do not anticipate that this would result in uncertain effects or unknown risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. As discussed, the proposed project is limited in size and scope and located in a developed area. This HCP does not establish a precedent for future actions or represent a decision in principle about future actions that will potentially cause significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. The proposed project is a single action not related to any other. We are not aware of any future actions directly related to the HCP; therefore, significant cumulative effects are not anticipated.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. Review and compliance for the construction of the California Flats Solar Project, including CEQA, has been completed. The operations and maintenance of the California Flats Solar Project is anticipated to have minimal or negligible effects to sites eligible for listing on the

National Register of Historic Places.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. Operations and maintenance of the California Flats Solar Project will result in minimal soil disturbance potentially occupied by the Covered Species. Effects to these areas would be temporary and anticipated to have a negligible effect on the long-term persistence of the Covered Species in the area and their recovery. Critical habitat for any of the Covered Species does not occur in the project area and will not be affected.

I. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?

No. The HCP supports the issuance of an incidental take permit that would authorize take of the Covered Species incidental to otherwise lawful activities. The HCP and incidental take permit issuance will fulfill Federal environmental compliance. This project has been subject to CEQA review pursuant to the County of Monterey and San Luis Obispo implementing guidelines and other Federal, State, and local environmental laws and requirements. Tribal land will not be affected.

J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

No. Operations and maintenance of the California Flats Solar Project will not affect low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

No. Ceremonial or sacred sites do not occur on the proposed project site and will not be affected by implementation of the HCP.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the HCP for the proposed operations and maintenance of the California Flats Solar project qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1; 516 DM 6, Appendix 1; and 516 DM 8.5 (C)(2).

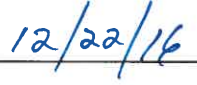
Other supporting documents: Low-Effect Habitat Conservation Plan for Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act for California

Flats Solar Project Operations and Maintenance Activities Monterey and San Luis Obispo
Counties, California. August 2016.

Concurrence:



Stephen P. Henry
Field Supervisor



Date

